

Wisconsin Hospital Association, Inc.



Contact: Mary Kay Grasmick 608-274-1820 or 575-7516 (cell)

**Evidence mounts: Wisconsin headed toward medical access crisis
*Pennsylvania offers glimpse of potential future for Wisconsin patients***

MADISON (January 17, 2006) ----- In the six months since losing its cap on non-economic damages, Wisconsin hospitals have experienced difficulties recruiting physicians, seen significantly more and larger medical liability cases and awards, and received a proposed 25 percent increase in premiums physicians and hospitals must pay for coverage in the Injured Patients and Families Compensation Fund. On December 30, the Wisconsin Supreme Court in Haferman v. St. Clare Healthcare Foundation added to these problems when it eliminated a statute of limitations for when a developmentally disabled minor may file a medical liability claim. Yet, some continue to argue that there is not evidence that Wisconsin is headed for a medical access crisis without a cap on excessive awards of pain and suffering.

“One only needs to look at the experiences of other states without a cap on excessive pain and suffering awards in medical liability cases to see what Wisconsin’s future is likely to hold if a cap is not soon restored,” explained Wisconsin Hospital Association Senior Vice President Eric Borgerding.

One such state without a pain and suffering award cap is Pennsylvania. Like Wisconsin, Pennsylvania also has a mandatory patients compensation fund funded by health care providers. In what could be the future for Wisconsin, the evidence from Pennsylvania patients, physicians, and physicians-in-training shows that without a cap on excessive damages related to pain and suffering, Pennsylvania is experiencing a medical access crisis.

Pennsylvania patients report losing their doctor due to malpractice crisis

An August 2004 poll of Pennsylvania residents by Princeton Survey Research Associates found that 26 percent of those polled or their family members have had to change doctors because of the affect increasing medical malpractice costs were having on their family physician. The physician leaving the state was the most frequently stated reason people gave for changing doctors.

A majority, 63 percent, was concerned that medical malpractice insurance costs will mean that they won’t be able to access a physician when care is needed. In addition, 69 percent said they were concerned that they will have a more difficult time finding specialized care when they need it because of the number of specialists who had left the state.

Pennsylvania doctors are dissatisfied with practicing in the state

Results of a 2003 survey of practicing Pennsylvania physicians published in the journal *Health Affairs* suggest that Pennsylvania’s access crisis is likely to deepen. While 70 percent of Pennsylvania specialists said they would be very or somewhat likely to recommend their specialty to someone graduating from medical school today, only 15 percent were willing to recommend practicing in Pennsylvania. Nearly half of all physicians that responded indicated that they were not at all likely to recommend Pennsylvania, and a whopping 93 percent of the OB/GYNs were unlikely to recommend practicing in the state. Even specialists who had strong personal ties to the state were no more likely than those who did not to recommend practicing in the state.

Nearly two-thirds of the specialists reported that their practice or hospital would likely reduce the number of clinical staff over the next two years because of Pennsylvania's liability costs. Nearly three-fourths indicated that their practice or hospital would likely reduce the number of administrative staff, and a similar percentage reported that their practice or hospital would cancel or delay capital improvements, such as modernizing imaging technology or ER suites, because of liability costs.

Pennsylvania's future physician supply in doubt

Pennsylvania's future supply of physicians is also in doubt as newly trained physicians are avoiding Pennsylvania due to its medical malpractice crisis, according to a study by researchers at the Harvard School of Public Health and the Harvard Law School. The study, published in the journal "Obstetrics and Gynecology," found that more than 75 percent of the medical residents training in Pennsylvania surveyed said they planned to leave Pennsylvania, and almost half of those doctors said the cost of liability insurance was the primary reason for their departure.

Medical residents also provided comments regarding their attitudes towards practicing in Pennsylvania's current medical malpractice environment.

"Having been a lifelong resident of Pennsylvania, it saddens me to have no interest in remaining here because of the current state of malpractice liability and sky-high premiums," responded one medical resident.

"It's not merely the affordability of malpractice insurance, but the prospect in Pennsylvania of spending more time in courts and depositions than I would in other states," wrote another resident. "The process of being sued is not pleasurable, and I feel that I would experience it more often in Pennsylvania."

"Given the overwhelming evidence of significant medical access problems in states without caps such as Pennsylvania and the evidence of problems already developing here in Wisconsin, we simply must restore a cap this legislative session," said Borgerding. "We repeat our call for the Legislature and Governor to do just that."

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